

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Hearing Date: 7/27/20
Hearing Time: 9:00am

X

IN RE:

MUNESHWAR P. NATERAM,
Debtor.

CH. 13
Case No. 19-46165-ESS

X

DEBTOR'S OPPOSITION TO MOTION TO DISMISS

Charles A. Higgs, attorney for the Debtor in the above case, submits the following in
Opposition to the Trustee's Motion to Dismiss:

1. On July 10, 2020 the Chapter 13 Trustee filed a Motion to Dismiss the Debtor's Chapter 13 Bankruptcy Case.
2. The Trustee's primary grounds for seeking dismissal appear to be that the Debtor hadn't filed the pre-petition credit counseling certificate, that the Debtor hasn't appeared for the 341 meeting, and that the plan payments should be increased.
3. The Debtor completed the pre-petition credit counseling course on August 19, 2019, prior to Debtor's bankruptcy filing on October 19, 2019. The credit counseling certificate is 03621-NYE-CC-033271769 and has been filed at Docket # 16.
4. With regard to the 341 meeting, the Debtor and Debtor's wife were both directly impacted by COVID, which made attending the 341 meeting and other tasks substantially more difficult. The 341 meeting is currently scheduled for September 2, 2020 at which time, the Debtor will appear telephonically with counsel for examination.
5. The Debtor has been trying to work out an agreement with the Water Board to resolve the claim filed by the Water Board. Resolution of the \$10,000 Water Board claim; will

substantially reduce the necessary plan payments. The Debtor will file an amended Chapter 13 plan that addresses the Chapter 13 Trustee's concerns.

6. Given the pandemic and the current economic uncertainty, it is respectfully requested that the Motion to Dismiss be denied or in the alternative that the Motion be adjourned until after the September 2, 2020, 341 meeting at which time the Debtor will have resolved each of the Chapter 13 Trustee's concerns.

Dated: July 24, 2020

/s/ Charles A. Higgs
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